

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA

*v.*

HERBERT E. LEWIS

Criminal Action No.

1:21-CR-00231-TCB-CMS

**Government's Motion for Protective Order for Discovery Material**

The United States of America, by Kurt R. Erskine, Acting United States Attorney, and Thomas J. Krepp, Assistant United States Attorney for the Northern District of Georgia, hereby moves pursuant to Fed. R. Crim P. 16(d), for a protective order that limits the defendant's use and dissemination of information provided in discovery to that which is reasonably necessary to prepare his defense. Counsel for the Government has discussed this proposed order with counsel for the defendant in this case and there is no objection to this proposed order.

Specifically, the Government requests an order providing that any materials and all information included containing sensitive personally identifiable and financial information pertaining to individuals and companies, some of whom are not parties to the litigation, and sensitive information subject

to the provisions of the Bank Secrecy Act in discovery material (referred to in this order as “Protected Materials”), regardless of whether such materials and information are defined as discovery under Rule 16 or already have been produced, that are provided by the United States to the defendant shall not be further disseminated by the defendant or his counsel to any individuals, organizations, or other entities, other than: (1) members of the defense team (co-counsel, paralegals, investigators, litigation support personnel, the defendant, and secretarial staff); and (2) any experts or consultants retained to assist in the preparation of the defense. Defense counsel, any co-counsel, and any investigators may display copies of any discovery containing the sensitive information identified herein, to non-expert witnesses, if it is determined that it is necessary to do so for the purpose of preparing the defense of the case, and may do so without any notice to the United States. Defense counsel may also provide copies of discovery documents to witnesses in advance of meeting with them, so long as the witnesses agree that they would not disseminate the documents and that they will return all copies of the documents to defense counsel subsequent to meeting with them. The Government further requests that all Protected Materials are to be provided and used by the defendant and his counsel solely for the purpose of allowing the defendant to prepare his defense,

and that the defendant, defense counsel, or members of the defense team will not disseminate, disclose, or provide the Protected Materials produced by the United States to anyone who is not necessary to the preparation of the defense.

In support of this motion, the Government states that the discovery material in this case is voluminous. Many of these documents contain financial records, including information subject to the Bank Secrecy Act and similar laws, as well as financial and personal information of third parties. Finally, the discovery contains bank account and personal identifying information of the defendant as well as third parties who are not named defendants in this case.

Thus, the Government submits that protective measures are necessary to guard against dissemination of confidential business, financial, and other personal information. A protective order is the most reasonable way of balancing the defendant's need for access to these Protected Materials, with the rights of individuals whose information may be reflected in this discovery as well as sensitive Bank Secrecy Act information.

WHEREFORE, the United States of America respectfully requests that the Court issue the protective order presented to the Court.

Respectfully submitted,

KURT R. ERSKINE

*Actin United States Attorney*

/s/THOMAS J. KREPP

*Assistant United States Attorney*

Georgia Bar No. 346781

Thomas.Krepp@usdoj.gov

**Certificate of Service**

The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

Counsel for Herbert Lewis

August 11, 2021

/s/ THOMAS J. KREPP

THOMAS J. KREPP

*Assistant United States Attorney*